

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5492 of 2005

Between:

- 1 Nagarjuna Degree College, Sangareddy, Medak District, rep. by its Correspondent, Mr. O. Mallaiah, S/o. Ramaiah, R/o. Sanga Reddy, Medak District.
- 2 Srinivasa Degree College, Medak, rep. by its Correspondent, Smt. E.V. Laxmi, W/o. Koti Reddy, R/o. H.No.1-7-26, Medak, Medak District.
- 3 M.V.G. Memorial Degree College, Medak, rep. by its Correspondent, Sri S. Venugopal Rao, S/o. Narasinga Rao, R/o. Medak, Medak District.
- 4 Vignan Degree College, Sanga Reddy, Medak District, rep. by its Correspondent, Ch. Hari, S/o. Rajeswar, R/o. Sanga Reddy, Medak District.
- 5 Geethanjali Degree College, Gajwel, Medak District, rep. by its Correspondent, Sri K. Virahath Ali, S/o. Riyasath Ali, 34 Years, R/o. Gajwel, Medak Dist.
- 6 B.M.R.Degree College, Gajwel, Medak District, rep. by its Correspondent, A. Rajanarasimha Reddy, S/o. Bali Reddy, 28 years, R/o. Rajwel, Medak Dist.
- 7 Ghaithanya Bharathi Degree College, Siddipet, rep. by its Correspondent, Smt. V.Sandhya, W/o. V. Srinivas Reddy, 32 years, R/o. Siddipet, Medak District.
- 8 Sri Chaithanyana Degree College, Dubbaka, Medak Dist, rep. by its Correspondent Smt. V. Sandhya, W/o. V. Srinivas Reddy, 32 Years, R/o. Siddipet, Medak District.

..... PETITIONERS

AND

- 1 The A.P. State Council for Higher Education, rep. by its Secretary, Post Box No.34, Saifabad, Hyderabad-500 004.

2 The Govt of A.P., rep. by its Secretary, Department of Higher Education,
Secretariat Bldgs, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus; declaring the notification dt. 24.11.2004 issued by the 1st respondent published in Eenadu Telugu Daily dt. 25.11.2004 in so far as it relates to Medak District, inviting applications for establishment of new Degree Colleges, is arbitrary, illegal, and contrary to the provisions of the A.P. Education Act and consequently to direct the 1st respondent not to permit establishment of any new Degree Colleges already where the degree colleges running in Medak District in private sector for the academic year 2005-2006 and pass such other order or orders.

Counsel for the Petitioners: MR.G.JAGADEESWAR

Counsel for the Respondents: GP FOR HIGHER EDUCATION

This Court at the admission stage made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.5492 OF 2005

-

ORDER :

The petitioners seek a declaration that the notification, dated 24-11-2004 issued by the 1st respondent is arbitrary, illegal and contrary to the provisions of the Andhra Pradesh Education Act, 1982.

The petitioner institutions are the recognised Degree Colleges being run at Medak District. They are aggrieved by the notification, dated 24-11-2004, under which applications are invited from the Registered Educational Societies / Colleges for starting new Private Unaided Degree Colleges during the academic year 2005-2006. The petitioners state that the colleges already established at Medak District are catering to the needs of the student community and there is no need for establishing any other Degree Colleges at present. It is also stated that as per the Rules framed under G.O.Ms.No.29, Education Department, dated 05-02-1987 no permission should be granted to the new institutions if the educational needs of the locality are adequately served. It is contended that the first respondent, while issuing the impugned notification, failed to consider the abovesaid aspects and therefore they made detailed representations stating that granting permission for establishment of new colleges at Medak district would result in unhealthy and competition among the institutions. Since there was no response, the petitioners made another detailed representation dated 10-3-2005 reiterating that the establishment of new educational institutions under the impugned notification is unwarranted and that the same would put the existing colleges into financial constraints. It is alleged that the respondents failed to consider the said representations and have been taking further steps in pursuance of the impugned notification. Hence, this writ petition.

Since the detailed representation made by the petitioners raising objections against the establishment of new institutions at Medak District in pursuance of the impugned notification is pending before the respondents, it is not necessary for this Court to go into the merits of the case, but it would be appropriate to dispose of the writ petition directing the respondents to consider the said representation of the petitioners, which was received by the respondents on 10-3-2005, before taking any decision for grant of permission to new colleges.

Accordingly, the Writ Petition is disposed of with a direction to the respondents to consider the objections raised by the petitioners in their representation dated 10-3-2005 before taking any decision for grant of permission to new colleges at Medak district on the basis of the impugned notification dated 24-11-2004.

The Writ Petition is accordingly disposed of. No costs.

17th March, 2005.

ghn

To

1 The Secretary, A.P. State Council for Higher Education, Post Box No.34, Saifabad, Hyderabad-500 004.

2 The Secretary, Govt., of A.P., Department of Higher Education, Secretariat Buildings, Hyderabad.

3 Two CCs to the Government Pleader for Higher Education, High Court of A.P., Hyderabad. (O.U.T.)

4 One CC to Mr.Jagadeeswar, the learned counsel for the petitioners.

5 Two CD copies.